IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1489 OF 2005

Shri.Keshav Bendu Pitambare ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.N.N.Gawankar with Mr.Arfan Sait for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 17, 2005.

P.C.

1. The concerned Officer P.I. Mr.I.S.Bhawsar is personally present in Court today, along with the relevant record. Explanation is offered regarding his absence for the earlier two dates.

2. It is stated that the intimation sent by the Office of the Public Prosecutor was not received by him. Insofar as his absence yesterday, it is stated that he reached after the matter was

called out before this Court.

3. Assuming that the statement made by the concerned Officer, across the Bar, about his absence on 16th March 2005 is correct, even so, prima facie, it is not possible to accept the explanation that intimation sent by the Office of the Public Prosecutor on wireless message, has not been made over to him.

4. That aspect be enquired into by the Sub-Divisional Officer/Superintendent of Police, Thane, and appropriate decision be taken in the matter, as may be advised against P.I. Mr.I.S.Bhawsar or any such person responsible in the matter.

5. It is not in dispute that after the order was passed by the lower Court, charge-sheet has been filed before the appropriate Court. If it is so, that is a changed circumstance in view of the recent decision of our High Court (Justice D.B.Bhosale).

6. In the circumstances, Application is disposed of with liberty to the Applicant to prefer regular bail Application before the appropriate Court, which, in turn, will be decided on its own merits in accordance with law.

A.M.KHANWILKAR, J.